Virginia: *In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday the 18th day of June 2003*

Arlin Edward Raney, Appellant,

Against **Record No 022392**
Circuit Court No. CL02-12783

Gateway Computer Company, Appellee.

From the Circuit Court of Rockingham County

Upon review of the record in this case and consideration of the argument submitted in support of and in opposition to the granting of an appeal, the Court is of the opinion there is no reversible error in the judgment complained of. Accordingly, the Court refuses the petition for appeal.

A Copy,

Teste:

David B. Beach, Clerk

By: E. Edwards
signed
Deputy Clerk

VIRGINIA:
ROCKINGHAM COUNTY
GENERAL DISTRICT COURT

You are commanded to summon, Gateway , serve

" Commonwealth legal services Corp." 4701 Cox Rd.

Glen Allen, Va. 23061, jan. 30, 2001 at 9:00A.M.

Date issued, 12-15-00, **Marla Hensley, Deputy Clerk**.

Case disposition; **Judgment the plaintiff,** Arlin E. Raney to recover

$4,102.00 with interest at 8% from 11-15-2000 plus $30.00 cost.

Date 1-30-2001

SIGNED

John Paul, JUDGE

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY

ARLIN E. RANEY,
Plaintiff.

Case No.: CL02-12783

v.

GATEWAY,
Defendant

JUDGMENT

This day came again the parties to the above-entitled action, in person, the plaintiff, Arlin E. Raney, pro-se, and the defendant , Gateway by counsel, and likewise came the jurors, sworn to try the issue herein joined pursuant to their adjournment.

And the jurors aforesaid having now heard the evidence and arguments of counsel in the parties and having received the instructions of the court, retired to their room to consider heir verdict and after sometime returned into the court with the following verdict, to-wit:

"We the jury on the issue joined find the defendant,"

and the jury was discharged.

It is there **ADUJUDGED and ORDERED**, pursuant to the aforesaid verdict of the jury, that the plaintiff recover nothing of said defendant about this action herein but that the judgment be made for the defendant.

Counsel for plaintiff and defendant have waived notice in open court provided for in Rule 1:18 (B) and agreed to the entry of this judgment.

Dated **AUG. 5, 2002**

Enter SIGNED
John J. McGrath, jr., JUDGE

A true copy
Atteste signed
Hearther J. Reardon

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION V. WAFFLE HOUSE, INC.

certiorari to the united states court of appeals

for the fourth circuit

99-1823. Argued October 10, 2001—Decided January 15, 2002

Respondent's employees must each sign an agreement requiring

Employment disputes to be settled by binding arbitration.

Page 1 of 23, advanced here to page 2 of 23 bottom of (D)

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193 F. 3d 805, reversed and remanded

Stevens, J., delivered the opinion of the court, in which *O'Connor, Kennedy, Souter, Ginsburg* and *Breyer, J.J.*, Joined. *Thomas, J.*, filed a dissenting opinion, in which *Rehnquist, C. J.*, and *Scalia, J.*, joined

VIRGINIA: IN THE GENERAL DISTRICT COURT OF ROCKINGHAM COUNTY

12-4-01

RE: RANEY V. GATEWAY
CASE NO. 010970

Judge John L. Paul
53 COURT SQUARE , room 132
Harrisonburg, Va. 22801-3720

Dear sir: NOTICE OF APPEAL TO

CIRCUIT COURT

I am in receipt of your letter dated 12-3-01, informing me I will **again** need to set up a meeting for **arbitration.**

It is with disappointment I inform the court, I am ethically unable to file for arbitration twice, this

Court had been previously advised and (judge Wilson) on date 11-27-01 refused to hear my explanation the honorable deputy court clerk Chris Hall, witness. Please be advised I will not be able to be present for any other hearings in the district court regarding This travesty in justice. **I am therefore appealing** the courts judgments $4,102.00 reversal, **and two orders to arbitrate** to the next court believed to be the Circuit court for Rockingham county.

Respectfully,

Arlin E. Raney
1020 Old Furnace Rd.
Harrisonburg, Va. 22802

CERTIFICATE OF SERVICE:
To Hart & Parker, P.C. @ 276 W. Market St.
Harrisonburg, Va. 22801 this date 12-4-01 by hand

7-2-2003

Mr. David B. Beach, Clerk of the court
Attn. Ms. E. Edwards, deputy clerk
Supreme Court Of Virginia
109 9th St., 5th. floor
Richmond, Va. 23219

Re: No. 022392, Cir. Ct. No. Cl102-12783
Raney v. Gateway Computer Co.

NOTICE OF APPEAL

Please take notice that the judgment in the Supreme Court of Virginia held 6-18-03 is appealed to the **SUPREME COURT OF THE UNITED STATES OF AMERICA.**

Please note the Federal Issue; is Arbitration, which the higher court has determined " Must be in writing to be binding "

A copy of this notice of appeal is by first class mail pre-paid this 3rd. day of July 2003, to Gateway counsel, Mr. David Parker, 276 W. Market St., Harrisonburg, Va. 22802

Sincerely,

Arlin E. Raney, petitioner
1020 Old Furnace Rd.
Harrisonburg, Va. 2
(540) 434-4928

WRITTEN STATEMENT OF FACTS , RULE 5A:7. Record on appeal: Contents, Rule 5A:7 (a)(1), (2),(3),(4),(5),(6),(7) **statement of facts-testimony-other incidents**,

Rule 5A:8.Record on Appeal Written Statement

On date **12-15-2000**, ten days after Gateway computer company **refused to refund** to appellant, Appellant Payment in full Funds Gateway company , pre-computer delivery required (by appellant phone authorization) Gateway **had** deducted, by Gateway electronic check, where Gateway company **sent un-bargain for equipment** and attempted to deduct from appellants checking account a second, **unauthorized** duplicate (un-bargain for) computer payment in full, from appellants checking account, **appellant filed** a Warrant in debt suit No. 010970 to recover, appellants **checking account resources** , Gateway had deducted and for **appellant return** of Gateway equipment, appellant did not phone order bargained for !

On date 1-30-2001, in the Rockingham County General District Court , judge John Paul, presiding, **Granted appellant** a **$4,102.00,** recovery judgment No.010970.

On inquiry, the Virginia, State Corporation Commission notified appellant, The **C. T. Corp**., of Glen Allen Va., was the Virginia legal representative for Gateway Corp. appellant named and notified of the Warrant in debt hearing date 1-30-2001, **Gateway failing to show**, that a Gateway paralegal, Ms. Vira Villarreal, by letter dated February 27, 2001 to Ms. Marla G. Hensely , deputy clerk of the Gen. **Dist**. Ct. copied appellant , a Gateway request for a " **Motion to Rehear "** mailed 2-27-2001, appearing also, to have been Faxed by the **Commonwealth legal corporation** staff counsel Mr. Greg L Call, which legal corporation had twice, **twice returned**, appellants **notice** of Gateway, warrant in debt hearing date 1-30-01, one in file dated,
1-10-2001, falsely claiming, **" can't determine ",** Gateway defendant case 010970, signed by Ms. C.L . Young, **of 4701 Cox Rd. suite 301, Glen Allen, Va**.

23060-6802, the **same as "named" and "addressed"** by the appellant warrant in debt dated 12-15-2000 and the Gateway Commonwealth Legal Services Corporation Fax requesting " **Motion To Rehear** " dated 2-27-01, as faxed 2-9-01, at 14:29, by Mr. Call

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Neither Warrant in debt **file** 010970 or appeal file CL02-12783, APPELLANT appeal to the circuit court of Rockingham County (**appealing**, the motion to rehear 010970 lower Ct., APPELLANT ORDER, **arbitration required**[2]), will show a appellant court notice " **INFORMING** " appellant of the Gateway Motion To Rehear, **" HEARING DATE ", APPELLANT WAS NEVER NOTIFIED** . ----------INSTEAD, APPELLANT received a phone call from Lawyer, Mr. Roland Santos, who advised appellant, the Gen. Dist. Ct. is to " **REHEAR** " case no010970 , the same day Mr. Santos is calling, appellant thinking Mr. Santos some kind of nut or joke protested " not likely " where Mr. Santos,(highly improbable), claimed in reading the file, Mr. Santos became uniquely interested & would represent appellant with-out fee. Appellant, now thinking Mr. Santos a crook, stated Mr. Santos could appear at that call day hearing,

where the next day Mr. Santos called appellant , informing appellant we lost, the court granted Gateway Motion to Rehear with a hearing date of 6-1-01, Unbelieving appellant called the clerks office who inform the Appellant it was true, informing appellant a new warrant in debt hearing date, appellant showed for, and was baliff advised was canceled , where appellant inquiry to the Court Clerk was advised His counsel Mr. Santos & Gateway counsel, **Mr. Parker had both appeared** before the clerk & **both counsels agreed** to a another hearing delay date of 7-16-201, where appellant wrote both Mr. Santos and the Gen. Dist. Ct. a letter, informing the court, he **thought Mr. Santos a crook** & under " NO CIRCUMSTANCES " does **Mr. Santos represent appellant.**

On the Mr. Santos Warrant in debt counsel appointment (who-ever ?, however ?, in the General District Court Of Rockingham County **appointed** Mr. Santos and arranged with Mr. Parker a one day phone notice to Plaintiff , for both Mr. Santos & Mr. Parker to appear & hear, a Raney V. Gateway , **MOTION TO REHEAR** hearing date, then **grant the Motion to rehear**

then continued that hearing date about six months to 7-16-2001), judge John Paul presiding, where Gateway counsel Mr. Parker introduced a **Motion to dismiss** appellant warrant in debt resource recovery suit, claiming **falsely** Appellant had agreed , in the event of Gateway controversy , appellant **waived** his Virginia legal recourse, agreeing to arbitration, & **as evidence proof,** Gateway counsel entered a 11 page Gateway notice to buyer, a unilateral Gateway **unsigned notice**, appellant objected to, Gateway counsel **claimed** was in the appellant computer delivery box, appellant claimed **never seen**, showing a altered **document**, altered on the first page, displaying in large print, **a notice of arbitration²** , when the arbitration notice was actually **on page 10 of a 11** page notice, a (altered document **forgery** as legal evidence [in the circuit court appeal file]), appellant both objected to in the lower court & the Rockingham circuit court as appealed court, falsely showing **page 10** on page 1, however, even if not altered , probably would never be noticed,

and even if noticed , with-out bi-lateral **appellant ratifying signature** , under federal arbitration law, U.S. Department of commerce, Federal Arbitration Act [9, section 2], plainly states, arbitration is not binding unless reduced in writing, appellant tendered to both courts (in the files) to include Supreme Court Proof, appellant exhibits 1 & 2, Appellant appealed to the Rockingham County Circuit Court, **appellant citing,** USA SUPREME COURT, **193 F. 3d 805, EEOC V. Waffle House, Inc.** decision, the USA Sup. Ct. Case 99-1823, **appellant exhibits 1 & 2** , appealing as appellant evidence to the Rockingham County Circuit Court, [both in the appellant] appeal file, Cl02-12783 as circuit court appeal proof [**of error in the Gen. Dist. lower court**] , all parties **MUST SIGN** any federal arbitration agreement to be binding, where the lower court on date 7-16-01, though refusing Gateway motion to dismiss, **however in error** , judge John Paul, not having the benefit of appellants S. Ct. case 99-1823, exhibits 1 & 2 , honored Gateway counsel claims,

appellant could obtain and was mandated to obtain unbiased , neutral arbitration for only **$49.00**, and so noted in the case file as appellant exhibit A-10, Ruling the case will be postponed for three months to date 10-19-2001, to allow plaintiff to engage in arbitration, in error citing federal case law 460 US 24 (see appellant exhibit A-10).

Appellant, albeit profusely disagreeing with the Gen. Dist. Ct. order, complied as ordered making application to the Gateway arbitration forum Gateway provided, albeit located in Minneapolis, mn. Appellant Rendering a $50.00 application fee check the forum cashed, reflecting appellant attempt for arbitration, however was rejected by the arbitration forum !, letters in the appealed file dated 12-16-01 & 12-28-01, see ct. file appellant exhibit R-S-T , where the Arbitration forum claimed appellant deficiencies in arbitration application, forum rule **45, appellant owed a fee of $4,562.50**, that **must** be rectified in 20 days, both letters appellant mailed to the Gen. Dist. Ct. where the Dist. Ct. set up a hearing date 11-27-01, with a different judge , who continued the case to 2-15-01 [sic 2002], now over a year of justice delayed,

ordered **again** appellant to seek arbitration at a reasonable cost, see appellant exhibit A-10, appellant now very frustrated, appealed to the General dist. Ct. to **dismiss the Gateway case** so appellant could appeal the arbitration issue, **to seek punitive damages from Gateway**, appellant noted to the General District Court of Rockingham County, the court **granted by final order dated February 27, 2002**, Case 165CL02012783-00, Arlin E. Raney vs Gateway., serve David L. Parker, to Gateway, **notice of appeal, Deputy clerk Ed. Thomas**, suit has been appealed from the Gen. Dist. Ct. to the Rockingham Circuit Court, receipt No. 02000008140

FROM THE GIT GO

Appellant encountered a number of appellant believed avoidable illegal hearing & motion difficulties with **Judge John McGrath**, the Rockingham County Circuit Court judge assigned to case Cl 02-12783, appealed from the Gen. Dist. Ct., appellant states in appellants belief, **were improper in law** , as will be out-lined herein, most the judge permitted by Gateway counsel, but some **initiated by judge McGrath**, appellant **believes** primarily in **bias** and **prejudice to any Pro-see !** Judge McGrath, to appellants knowledge does not know appellant Raney ! who,

after a year delay seeking justice in the Gen Dist. Court, requested a dismissal from arbitration order, filed a appeal in the Circuit Court of the arbitration issue, then appellant Raney filed a **praecipe to obtain a jury trial date**, appellant Raney requested dismissed from the Gen. Dist. Courts (two arbitration orders[2]) one by judge paul & the second one by judge Wilson, in the file (Warrant in debt 010970) , appellant seeking punitive Gateway damages regarding Gateway refusal to refund appellant money, Gateway deducted from appellants checking account before computer delivery , to take back the equipment, to attempt to deduct a second electronic checking account withdrawal from appellant checking account & the Gateway **false claim**, appellant agreed to ARBITRATION[2].

JUDGE MCGRATH PREJUDUCE

Beginning with appellant Raney praecipe "motion", on motions day , to seek a trial date !, Judge McGrath, refused to hear podium standing appellant , simple request for a trial date, Judge McGrath, ordered praecipe motionor Raney to sit down !, stating he (the judge) would ask, Gateway counsel what this was about. Mr. Parker, Gateway counsel improperly stated counsel had praecipe MOTIONED ,

where Raney immediately objected (Raney praecipe motion was before the bench, appellant Raney had received NO COUNSEL PRIOR MOTION, Judge McGrath, told Raney to sit down, who had stood to object, again sat down. Mr. Parker continued, suggesting a motion to dismiss, where appellant Raney again stood & objected on the same grounds, having received no motion prior to Raney praecipe hearing date to include that hearing. At the conclusion of Mr. Parker & judge McGrath exchange, judge McGrath asked appellant if appellant had anything to say, where appellant Raney stated, he had the greatest respect for judge McGrath, nothing personal, but was requesting a jury trial, the judge set as June 10, 2002 all agreed to. Then the judge asked Counsel Mr. Parker to prepare the courts order setting June 10, 2002, Gateway counsel failed never prepared that order, instead, Mr. Parker prepared a praecipe, requesting a change of trial date claiming, military reserve duty June 10th. Week, Appellant Raney conscientiously, as a patriot, appeared for Gateway counsel

praecipe motion date to support counsel Parker claim for reserve force training delay , The judge changing the trial date to July 18, 2002 all agreed, where the judge again asked Counsel Parker to prepare the **new trial date order**, where Counsel Mr. Parker prepared another false order , **having no order trial** date, very much concerning appellant Raney due to the **judge signing the improper order** that stated " **NO TRIAL DATE ,** the order, " simply stating, a new trial date would be obtained, appellant Raney, having **been delayed over a year seeking justice**, began distrusting both Gateway counsel & judge Mc'Grath, perhaps in collusion, however, pro-se appellant Raney, felt safe from the judge by reason of a jury trial & **the Supreme Court 99-1823 Arbitration decision**,[2] appellant Raney prepared a Praecipe, motion & order to order the agreed record trial date to prevent further delay, where Judge McGrath again refused to hear Raney on motions day, instead telling appellant Raney to sit down, again asking Gateway counsel Mr. Parker,

who had not praecipe filed the motioned to be heard, what this was all about, after some dialogue between the court & appellee counsel Mr. Parker , Judge McGrath stated it appears all agree to the July 18-02 trial date , where Appellant Raney stated yes, however there is a appellant motion before the court[1] (appellants motion for Summary Judgment[2]) and appellant request the court to read it , where judge McGrath stated he would[1].

IMPROBITY BY JUDGE MCGRATH[1,2 & 3]

The appeal court should note: The timeliness rules for interrogatories, production of Documents and **Motions for Summary Judgments**[1,] had been by judge McGrath court approved on date April 4th, 2002 as submitted by Gateway counsel, Mr. Parker-

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1. THE ISSUE SUBJECT MATTER ON APPEAL TO THE ROCKINGHAM COUNTY CIRCUIT COURT WAS " ARBITRATION " JUDGE MCGRATH WAS TWICE REMINDED BY APPELLANT RANEY BY MOTIONS & INFACT JUDGE MCGRATH TWICE PROMISED RANEY ON RANEY PRAECIPE MOTION DATES THE JUDGE

WOULD READ THE MATERIAL FACTS THAT RANEY PRAECIPE MOTIONED AND FIRMLY IN THE CIRCUIT COURT APPEAL RECORD RANEY NOTICE OF APPEAL, DATED FEB. 22, 2002 TO THE GEN. DIST. TCT. AND FIRMLY NOTED BY APPELLANT RANEY NOTICE TO THE CIRCUIT COURT DATED FEB. 26, 2002, PAGE ONE, QUESTIONS TO BE ANSWERED, HE : MANIFEST QUESTION ON APPEAL, " IS ARBITRATION REQUIRED ? COUPLED WITH THE USA CONSTITUTION " THE LAW OF THE LAND ", JURISDICTION EXHIBITS REGARDING ARBITRATION, APPELLANT EXHIBITS (1 & 2) THE USA SUPREME COURT DICISION CASE HISTORY NO. 99-1823 " ARBITRATION TO BE BINDING " MUST BE IN WRITING & SIGNED BY ALL PARTIES AND THAT ISSUE WAS PLAINLY STATED " AS THE ERROR ON APPEAL ON PAGE THREE OF THE PLAINTIFF RANEY APPEAL RECORD & ON PAGE FOUR, THAT RANEY APPELLANT HAD BEEN GRANTED A JUDGMENT OF $4,102.00 , THAT GATEWAY HAD FAILED TO TAKE BACK THE COMPUTER DELIVERED & FAILED TO REFUND RANEY'S MONEY, GATEWAY HAD DELIVERED AND IMPROPERLY TWICE DEDUCTED FROM RANEY'S CHECKING ACCOUNT FUNDS GATEWAY HAD ONLY BEEN AUTHORISED TO DEDUCT (The COMPUTER RANEY WAS GATWAY PROMISED , GATEWAY FAILED TO DELIVER , ALL MANIFEST RELEVENT ISSUES, MATTERS OF FACT , EVIDENSED IN THE

COURT REJECTED RECORD, THE USA CONSTITUTION STATES, " ONLY A JURY CAN DETERMINE MATTERS OF FACT, JUDGE MC'GRATH FALSELY CLAIMED BY IMPROBITY , THESE FACTS ARE NOT RELEVENT ON APPEAL, REFUSING JURY EVIDENSE ACCESS AS MARKED EXHIBITS REJECTED

Where the court failed to monitor as to sanction Gateway counsel Mr. Parker for " FALSE CLAIMS " regarding Gateway motion for Summary Judgment, dated 7-10-02 , improbity by [intentional lying] , counsel un-timely submitted to the circuit court & copied appellant Raney dated 5-23-02, Raney answered the day of receipt 5-23-02, Gateway counsel Mr. Parker " FALSELY " claiming in Motion for summary judgment all three items, (1), (2) & (3)[3], completely out of context, item #1., falsely claiming, Raney , answered in Gateway, first set of interrogatories, to Gateway question #8, counsel extracting out of context only two parts of Raney 14 part answer to Gateway interrogatory question #8, a intentional counsel known improbity (prohibited in practice of law) , that RANEY HAD **ACTUALLY**

ANSWERED question 8 , beginning interrogatory question 3 & 4, and can only be in context, morally interpreted by reading Raney answers to 3,4, and all 14 parts of Raney answer to question 8, plus specific interpretation of Raney parts 13 & 14 **answers to** interrogatory question 8, Gateway counsel out of context falsely claimed, " Gateway has over charged him for a SECOND COMPUTER " & that " Gateway Refused to refund Raney for a computer THAT HE ORDERED[3] ". Item #2. Gateway counsel Parker by totally false claim, " that appellant Raney interrogatory answers 3,4,13 & 14 clarifies ,

Gateway absolutely " COLLECTED[3] " $2,051.00 for the only computer Raney never ordered & by Gateway counsel known improbity " falsely claiming , " The computer Raney did order ", where Raney was never delivered the computer Raney ordered & for 30 days, Raney tried to return the equipment & get his Gateway collected money back, Gateway " refused to refund ". Item #3. Of course is absolutely false in that item #3 is a summation of Gateway false claims of items 1 & 2.,

where appellant Raney never received the computer Raney ordered, Raney made a immediate Gateway complaint, Gateway reused to refund Raneys money, And perhaps trying to correct Gateway failure to send Raney computer equipment Raney ordered sent Raney a un-ordered duplicate computer (compounding the problem) Raney never ordered that Gateway attempted but failed[3] to deduct for the second un-ordered computer Gateway sent to Raney, failed to deduct due to appellant Raney going to his bank, the Shenandoah National Bank, where Raney filled out a STOP PAYMENT FORM[3], for (any second deductions) dated November 28, 2000 from Raney's checking account. To include appellant informing the court, exhibit dated 7-17-02 that defendants motion dated 7-10-02 for Summary Judgment was in violation of the courts time scheduling order dated April 4, 2002.

CIRCUIT COURT JUDGE MC'GRATH
FALSE CLAIM TO JURY [3]

Judge McGrath, falsely claimed to the jury & severely prejudiced

appellant Raney at trial, claiming falsely from the bench, biasing the trial jury , by instructing the jury " Mr. WINE ",

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2. THE COURT DISCUSSING GATEWAY MOTION FOR SUMMARY JUDGMENT BEFORE JURY PRIVY | THE JURY SELECTED BUT SEQUESTERED | THE COURT DENYING RANEY MOTION FOR SUMMARY JUDGMENT WITH-OUT DISCUSSION.. THE COURT ENTERTAINING APPELLANT BELIEVES THE GATEWAY COUNSEL CASE LAW NO. 96-3294 OF THE FEDERAL SEVENTH CIRCUIT, | ITS IN THE FILE | REGARDING, R. & E. HILL, ON BEHALF OF A CLASS OF PERSONS SIMILARLY SITUATED, PLAINTIFF –APPELLEES V. GATEWAY 2000, INC. AND DAVID PRAIS, DEFENDANTS –APPELLANTS, APPEAL FROM THE UNITED STATES DISTRICT COURT NO, . 96C 4086, S. B. COLON JUDGE. , VACATED & REMANDED COMPELLING THE HILLS TO SUBMIT TO ARBITRATION. THIS CASE IS DIAMETRIC OPPOSING THE U.S.A. SUPREME COURT DETERMINATION , CASE LAW 99-1823, RANEY SUBMITTED TO THE ROCKINGHAM COUNTY CIRCUIT COURT, THE COURT IMPROPERLY REFUSED TO DISCUSS & DENIED RANEY SUMMARY JUDGMET , AS CONTAINING U.S.A. SUPREME COURT ARBITRATION DECISION RANEY | exhibits 1 & 2 |, CASE LAW 99-1823 , ARBITRATION TO BE BINDING " MUST " BE IN WRITING & " MUST " BE SIGNED BY ALL THE PARTIES. JUDGE , J. McGRATH HAD JUST WITH-OUT DISUSSION | THE JURY SEQUESTERED | DENIED RANEY SUMMARY JUDGMENT FAILING TO ADHERE TO THE SUPREME COURT CASE LAW DECISION NO. 99-1823 , SO IT MUST BE

DETERMINED OBVIOUS, JUDGE McGRATH WAS AWARE OF THE SUPREME COURT LAW ,

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Is a "court witness ", improperly biasing the jury, implying to the jury, the court was impeaching the Raney claim , "Raney had paid Gateway" , the bench did introduce Mr. Wine to the jury [the bench did make a phone call to Mr. Wine] , however, the bench falsely claiming[1] to the jury, " Mr. WINE " , is , " THE COURTS WITNESS ", Where, Mr. Wine was not the courts witness, Mr. Wine, the Shenandoah National Bank, V.P. was requested at trial by appellant Raney[1] who requested judge McGRATH, to call Mr. Wine at the bank, to clarify bank documents Raney introduced pre-trial & at trial, was proof Raney did pay Gateway , for equipment gateway never delivered , requesting the bench to simply phone call, from the court bench, to prove document exhibits Appellant Raney submitted to the court was proof, Raney paid for the computer , to prove Gateway counsel & Gateway witness from Fredericksburg Virginia was lying, [falsely claiming

appellant Raney never paid Gateway for the computer Raney ordered but did not receive], that Mr.WINE, as Shenandoah National Bank , V.P. , who filled out the appellant Raney bank stop payment form, Raney requested the bank to enforce , to stop as to prevent Gateway from deducting additional money from Raney checking account, Mr. Wine who filled out the stop payment form, could have verified , should have verified, the bank documents exhibits Raney introduced, that Mr. Wine filled out, proved beyond any doubt , Raney paid Gateway for the computer equipment that, both Gateway counsel & Gateway witness, to the jury were falsely claiming "never paid for "

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3. WITH THE JURY SEQUESTERED , GATEWAY REQUESTING SUMMARY JUDGMENT AGAINST APPELLANT PLAINTIFF RANEY DATED 7-10-02, GATEWAY WITNESS PRESENT, SITTING NEXT TO GATEWAY COUNSEL, WHILE COUNSEL FALSELY CLAIMING RANEY NEVER PAID GATEWAY, RANEY ASKED THE GATEWAY WITNESS WAS THE GATEWAY WITNESS CLAIMING RANEY NEVER PAID GATEWAY, WHO ANSWERED YES, WHERE APPELLANT RANEY | THE JURY SEQUESTERED | ASKED JUDGE MCGRATH TO SIMPLY CALL MR. WINE AT THE SHENANDOAH NATIONAL BANK TO VERIFY GATEWAY HAD BEEN PAID & THAT

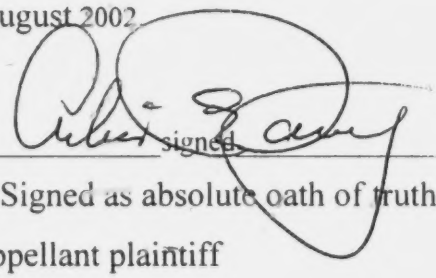
RANEY HAD MERELY STOPED MORE GATEWAY DEDUCTIONS DUE TO THE SECOND RANEY GATEWAY COMPUTER DELIVERY. WHERE, JUDGE MCGRATH, RECESSED THE COURT , TO CALL BANK V. P. MR. WINE , WHO HAD PROCESSED THE GATEWAY ELECTRONIC COMPUTER PAYMENT TO GATEWAY & PROCESSED THE RANEY STOP PAYMENT OF ANY FUTURE GATEWAY ELECTRONIC DEDUCTIONS FROM RANEY CHECKING ACCOUNT. WHO WAS COVERTLY PHONE INTEROGATED BY JUDGE JOHN MCGRATH, BROUGHT TO THE COURT BY JUDGE JOHN MCGRATH, WITH-OUT THE PROOF OF RANEY PAYMENT TO GATEWAY, WHO WAS BY JUDGE MCGRATH FALSELY INTRODUCED TO THE NOW CONVENED JURY , AS THE " COURTS WITNESS ", INTEROGATED EXAMINED BY THE JUDGE , WHO EXPLAINED TO THE CONVENED JURY , HE COULD NOT WITH-OUT FURTHER BANK DOCUMENTATION ASSERT RANEY EXHIBITS PROVED RANEY PAID GATEWAY FOR THE COMPUTER WHERE THE ASTONISHED APPELLANT RANEY CROSS EXAMINED MR. WINE, COULD HE SIMPLY GO TO THE BANK ? GET THE BANK DOCUMENTED PROOF MR. WINE TESTIFIED HE COULD WHERE RANEY REQUESTED MR. WINE BE EXCUSED TO OBTAIN THE NECESSARY PROOF. MR. WINE, EXCUSED, NEVER RETURNED. APPELLANT RANEY REQUESTED, THE JUDGE REFUSED , TO DELAY TRIAL FOR ONE DAY FOR MR. WINE BANK PROOF.

RULE 5A:8(c),5A:8(c) (1)

A copy of this Statement of facts has this day 8-27-02 by hand, been delivered to the opposing Gateway counsel Mr. Parker at 276 W. Market St., Harrisonburg, Va. 22802 and this page 14

NOTICE TO GATEWAY COUNSEL

Appellant Raney will present to JUDGE JOHN MCGRATH, on date 9-18-2002 in lieu of no trial transcript, these statement of facts, incidents together with appellants attached sworn testimony. to note these statement of facts are sworn to as described & oath signed below, Sworn to by appellant as the absolute truth under penalty of criminal perjury by signed appellant this 26th day of August 2002



signed

Signed as absolute oath of truth by, Arlin Edward Raney, appellant plaintiff

SPACE IS RESERVED HERE FOR COUNSEL OBJECTION AS TO COMPLETENESS
AND ACCURACY, Counsel may attach as many answer pages as needed.

Space:

Date_____ SEEN AND OBJECTED TO

_____

David L. Parker, Gateway counsel

Rule 5A:8(d) , **Judge John J. McGrath, jr.**

overrule_____

correction_____

addition_____

certify _____

with-out more_____

_____

Date_____ **John J. McGrath, jr., judge**

VIRGINIA: IN THE GENERAL DISTRICT COURT OF ROCKINGHAM COUNTY

Arlin E. Raney, plaintiff

v. **Case number 010970**

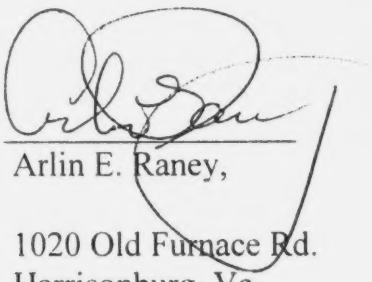
Gateway

REQUEST FINAL JUDGEMENT TO APPEAL AS FILED 11-30-01 OR THE COURTS ACCEPTANCE OF THE SUPREME COURT 1-16-01 ENCLOSED RULING AS FOLLOWS:

Please note this plaintiff unlike Mr. Baker (of the S. Ct. case who signed a arbitration agreement) but like the EEOC , **who did not sign a arbitration agreement**. That Gateway Perjury claimed in the defendant file a arbitration agreement was on page one " JUST BELOW " a dispute resolution clause, when the referenced clause is/was on page 10 of a 11 page defendant fine print (Please see **plaintiff filed exhibit " L "**), a unilateral, Unquoted , not signed , un advertised Gateway perjury claim , the plaintiff never saw or heard of, where the plaintiff requests

a judgment of $4,102.00 compensatory damages and $4,102.00 punitive & other compensation this court would deem proper.

Respectfully submitted ,

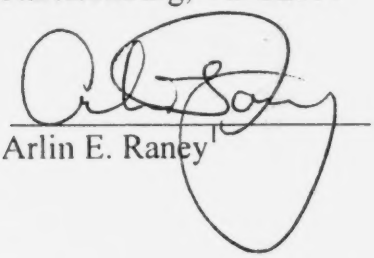


Arlin E. Raney,

plaintiff

1020 Old Furnace Rd.
Harrisonburg, Va.
22802
540-434-49

Certificate of service to:
Hart & Parker, P.C. @ 276 W. Market St
Harrisonburg, Va. 22801



Arlin E. Raney

[[Please note: enclosed exhibits "S.ct." & previously submitted "A-4" & "A-5", Arbitration must in writing !]]

NOTICE OF APPEAL FROM TRIAL COURT

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY

NOTICE OF APPEAL CL0212783

Arlin Edward Raney, appellant/complainant, hereby appeals to the court of appeals of Virginia from the final judgment of this court entered on date ____xx-xx-xxxx

Appellant will file a " STATEMENT OF FACTS ",
" TESTIMONY " & " INCIDENTS "

Regarding case no. CL0212783 Rockingham County Circuit Court.

CERTIFICATE

The undersigned certifies as follows: (1) the names, addresses & phone number of pro-se, appellant are: Arlin Edward Raney, 1020 Old Furnace Rd., Harrisonburg, Va. 22802, 540-434-4928. (3) the names of appellees are: Gateway Computer Company (4) the names, addresses & phone numbers of appellees counsel are:

Hart & Parker, P. C. , of counsel is David L. Parker, vsb no. 30528, 276

West Market Street, Harrisonburg, Va. 22801, 540-574-3366. (6) the appellant, Mr. Arlin Edward Raney is not represented by counsel and is proceeding under code of Virginia, section 17.1-606, persons allowed services with-out fees or cost & section 8.01-676.1 (N) security for appeal , no person who is indigent Shall be required to post security for an appeal.(8) a copy of this Notice of Appeal has been mailed or delivered to opposing counsels and to the Clerk of the of the Court of Appeals this

__15____ day of__October_____ 2002

Arlin Edward Raney,

Appellant

1020 Old Furnace Rd.
Harrisonburg, Va.22802
540-434-4928

TESTIMONY AFFIDAVIT RANEY
S. Ct. Rule 5A:7 record on appeal (a)(7) as

provided in rule 5A:8(c)

Appellant swears under oath the following testimony under penalty of perjury;

1. Raney paid for the Gateway computer pre-delivery & never stopped payment .
2. Raney was by Gateway sent un-ordered computer & equipment.
3. Raney made immediate complaint to Gateway , requesting Gateway refund funds collected .
4. Gateway sent Raney a exact duplicate unordered computer .
5. Gateway unauthorized by Raney sent a second computer electronic bank deduction.
6. Raney personally by appointment with the bank V.P. Mr. Wine, had Mr. Wine fill out a stop payment for the

7.Gateway second unauthorized electronic computer deduction.

8. Raney was unable to obtain Gateway refund or even contact salesmen after complaint.

9. Raney after 30 days filed a Gateway warrant in debt to Gen. Dist. Ct.

9.Raney was awarded a Gen. Dist. Ct. $4,102.00 judgment.

10. Gateway appealed falsely claiming not notified of hearing date.

11.Gateway requested a motion to retry, however Raney was not notified.

12. A lawyer, a Mr. Santos called Raney that the Gateway motion to retry was to be

Heard this very day and would represent Raney at no cost.

13. Raney thinking caller Mr. Santos a nut or Raney would catch a crook, stated yes, this day only.

14. The next day Mr. Santos called Raney, stating Raney lost, the warrant in debt would be

15.Upon verification the Gateway motion Warrant in debt is to be reheard, that Raney's**Attorney Mr. Santos** and **Gateway attorney Mr. Parker** had delayed the rehearing Raney wrote The clerk of the Gen. Dist. Ct, " UNDER NO CIRCUMSTANES DID MR. SANTOS REPRESENT RANEY

16. Under protest Raney was ordered to make application for arbitration.

17. Raney paid $50.00 arbitration application fee.

18. Raney was rejected by arbitration forum claiming a fee for over $4,500.00

19. Raney advised the Gen. Dist. Ct. who again ordered Raney into arbitration at a reduced fee.

20. Now over a year with-out Virginia Gen. Dist. Ct. definitive justice Raney requested **dismissal** so to **appeal the arbitration issue** , claiming the U.S.A. Supreme Court **" MANDATED "** arbitration **" MUST "** be a signed contract to be binding.

21. Raney appealed the arbitration issue as not required to the Circuit Court to seek punitive damages from Gateway.

22. Raney's Summary judgment request was denied with-out even a judge McGrath comment why!

23. Raney request to the court to simply call Mr. Wine, Bank V.P. to prove Gateway witness was lying, as Mr. Wine for Raney had made certain Gateway was electronically paid by Raney's personal presence at appointment with Mr. Wine at Raney's request , by filling out a Raney stop payment on any future Gateway unauthorized electronic checking account deductions dated November 28, 2002 as signed by both Raney & Mr. Wine on bank form G-20 as **improperly twice charged** by Gateway to Raney's checking account 580-556-2538-06 .

24. Raney at trial, jury sequestered , **requested judge McGrath** to call Mr. Wine at the bank to verify Raney's documents **proved Raney paid Gateway**, for the computer, that Gateway Produced witness from Fredericksburg Virginia **was lying**, the jury sequestered Gateway counsel & judge McGrath discussing Gateway Summary judgment motion,

gateway witness sitting next to Gateway counsel Parker.

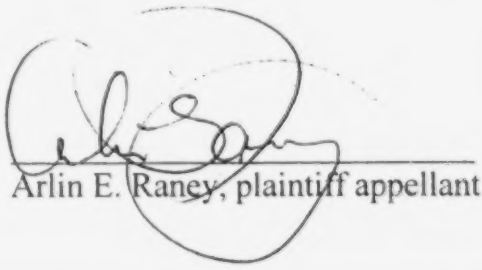
25. Judge McGrath recessed the court to make the call to Mr. Wine.

25. After some time judge McGrath convened the court, with-out Mr. Wine phone call comment and requested the jury be convened.

26. Judge McGrath introduce Mr. Wine falsely to the jury as the courts witness and interrogated Mr. Wine who stated by the documents exhibits Raney had introduced he could not with-out further bank documents state Raney had paid Gateway for the computer where judge McGrath released Mr. Wine, who ostensive was to return with more bank documents never returning.

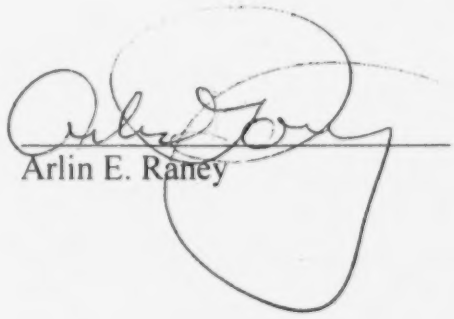
27. Raney requested the court to delay for a day for Mr. Wine documentation the judge McGrath denied.

The preceding testimony is under oath sworn to as the unaltered truth by the Undersignd,



Arlin E. Raney, plaintiff appellant

That a true copy of this testimony has been by hand delivered to Gateway counsel, Mr. Parker
At 276 West Market St., Harrisonburg, Virginia 22802 this date, 9-27-2002



Arlin E. Raney